

Message Text

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PAGE 01 BOGOTA 04961 071442Z

43

ACTION ARA-20

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

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R 062145Z JUN 74

FM AMEMBASSY BOGOTA

TO SECSTATE WASHDC 3123

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E.O. 11652: NA

TAGS: PFOR, CO

SUBJECT: QUITA SUENO TREATY OF SEPT 8, 1972 AND CRANSTON
RESOLUTION

REF: STATE 110409

1. FOREIGN MINISTER VAZQUEZ SENT ME A FIRST
PERSON NOTE ON JUNE 5 IN WHICH HE EXPRESSES
GOC OBJECTIONS TO SENATE RESOLUTION 74 OF
MAY 20, 1974, WHICH ADVOCATES SUBMISSION OF
CERTAIN TERRITORIAL DISPUTES TO THE INTERNATIONAL
COURT OF JUSTICE. THE NOTE POINTS OUT THAT IN THE
OPINION OF THE GOC THERE EXISTS NO DISPUTE OVER
QUITA SUENO, RONCADOR AND SERRANA, NOR IS THERE
ANY CONTROVERSY BETWEEN THE UNITED STATES AND
COLOMBIA, AS THE TWO NATIONS SIGNED A TREATY
ON SEPTEMBER 8, 1972 IN WHICH THE USG ABANDONS
ITS CLAIMS IN FAVOR OF COLOMBIA. THE FOREIGN
MINISTER CONCLUDES BY URGING THAT THE UNITED
STATES RATIFY THE TREATY.

2. TEXT OF NOTE FOLLOWS:

QUOTE MR. AMBASSADOR: I HAVE THE HONOR TO TRANS-
MIT TO YOU THE OPINION OF MY GOVERNMENT WITH
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PAGE 02 BOGOTA 04961 071442Z

RESPECT TO US SENATE RESOLUTION 74, APPROVED

ON MAY 20 OF THIS YEAR, IN WHICH THE SENATE EXPRESSED ITS DESIRE THAT CERTAIN TERRITORIAL CONTROVERSIES THAT CANNOT BE RESOLVED BY MEANS OF NEGOTIATIONS BE SUBMITTED BY THE USG TO THE INTERNATIONAL COURT OF JUSTICE.

QUOTE THE TEXT OF SECTION TWO OF SAID RESOLUTION IS AS FOLLOWS: IT IS FURTHER THE SENSE OF THE SENATE THAT THE PRESIDENT SHOULD DIRECT THE SECRETARY OF STATE TO CONSIDER SUBMITTING TO THE IJC AS MANY AS POSSIBLE OF THE APPROXIMATELY TWENTY-EIGHT TERRITORIAL DISPUTES, INVOLVING OUR COUNTRY AND A NUMBER OF CLOSE ALLIES OVER DESOLATE AND LARGELY UNINHABITED ISLANDS IN THE CARIBBEAN SEA AND THE PACIFIC OCEAN.

QUOTE SENATE REPORT NUMBER 93-842 OF MAY 9, 1974, PAGE 13, CONTAINS A DETAILED LIST OF THE TWENTY-EIGHT ISLANDS, CAYS AND ISLETS WHICH IT IS SAID ARE DISPUTED BETWEEN THE UNITED STATES AND OTHER NATIONS. THE SAME DOCUMENT CONTAINS THE FOLLOWING MENTION: "AREA OF THE CARIBBEAN

26. QUINTO SUENO (SIC)

27. RONCADOR CAY

28. SERRANA BANK

QUOTE IT IS THE OPINION OF MY GOVERNMENT THAT NO CONTROVERSY EXISTS BETWEEN THE UNITED STATES AND COLOMBIA OVER QUITA SUENO, RONCADOR AND SERRANA AND THAT IT IS ALSO THE CASE THAT THE SOVEREIGNTY OF THESE TERRITORIES COULD NOT BE IN LITIGATION OR SUBMITTED TO THE IJC AT THE BEHEST OF THE UNITED STATES. SECTION 2 OF RESOLUTION 74 DOES NOT CORRESPOND, THEREFORE, TO THE EXISTING JURIDICAL SITUATION BETWEEN THE TWO NATIONS; IN THE TREATY OF SEPTEMBER 8, 1972 YOUR EXCELLENCY'S GOVERNMENT RENOUNCED ALL CLAIMS TO SOVEREIGNTY OVER THE AFOREMENTIONED CAYS, WHICH HAVE BELONGED TO THE REPUBLIC OF COLOMBIA SINCE INDEPENDENCE, AS HAVE THE OTHER ISLANDS, ISLETS AND CAYS THAT MAKE UP THE ARCHIPIELAGO OF SAN ANDRES AND PROVIDENCIA.

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PAGE 03 BOGOTA 04961 071442Z

QUOTE PRESENT CIRCUMSTANCES CORROBORATE THE OPINION OF MY GOVERNMENT: THE TREATY OF SEPTEMBER 8, 1972 WAS NEGOTIATED AND SIGNED IN BOGOTA BETWEEN THE PLENIPOTENTIARIES OF COLOMBIA AND THE UNITED STATES, IN CONFORMITY WITH THE USUAL DIPLOMATIC PRACTICES OF INTERNATIONAL LAW, WITH ENTRY INTO FORCE PENDING LEGISLATIVE APPROVAL IN EACH NATION AND CONSEQUENT RATIFICATION. INsofar

AS COLOMBIA IS CONCERNED, THE PRESIDENT OF THE
REPUBLIC AND THE MINISTER OF FOREIGN AFFAIRS,
IN ACCORDANCE WITH ARTICLE 120, PARAGRAPH 20
OF THE CONSTITUTION, SUBMITTED THE TREATY TO THE
CONGRESS, WHICH GAVE ITS APPROVAL AND THE TREATY
HAS NOW BECOME LAW.

QUOTE IN THE CIRCUMSTANCES, DESPITE THE FACT
THAT THE TREATY HAS NOT FINALLY BEEN RATIFIED
(BY THE UNITED STATES) THERE IS NO REASON TO
SUPPOSE THAT A CONTROVERSY EXISTS CONCERNING THESE
CAYS THAT CAN BE TAKEN BY EITHER NATION TO AN
ARBITRAL TRIBUNAL OR THE IJC. I URGE, THEREFORE,
THAT YOUR EXCELLENCY TRANSMIT TO THE USG THE VIEWS
EXPRESSED IN THIS NOTE AND THE GREAT SURPRISE WITH
WHICH THE GOC HAS LEARNED OF RESOLUTION 74.
UNQUOTE.

3. COMMENT: IT SEEMS TO ME WE ARE NOW IN A
VERY EMBARRASSING POSITION AND FACE A POTENTIALLY
SERIOUS IRRITATION IN OUR BILATERAL RELATIONS.
THE POINTS THE FOREIGN MINISTER MAKES ARE VALID:
HAVING SIGNED A TREATY WE CAN HARDLY CLAIM NOW AT THIS LATE
DATE THAT A DISPUTE CONTINUES TO EXIST BETWEEN US OVER
THE CAYS. TO REFUSE TO PROCEED WITH RATIFICATION
NOW ON THESE GROUNDS WOULD EXPOSE US TO NO
LESS THAN A COLOMBIAN CHARGE OF BAD FAITH OR
AN ALLEGATION THAT ANOTHER GOVERNMENT CAN PUT
NO TRUST IN US NEGOTIATING INTENTIONS. IN SHORT,
WE FACE A DE FACTO SITUATION THAT MUST BE DEALT
WITH ON ITS MERITS AND NOT IN TERMS OF WHETHER WE SHOULD
HAVE HANDLED THE DISPUTE BY MEANS OF A TREATY IN THE
FIRST PLACE.

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PAGE 04 BOGOTA 04961 071442Z

4. IT SEEMS TO ME WE HAVE NO CHOICE NOW BUT
TO CONTINUE TO PRESS FOR RATIFICATION AND TO TAKE
THE POSITION EXPLICITLY WITH THE SENATE FOREIGN
RELATIONS COMMITTEE THAT WE DO NOT AGREE
THAT SR 74 SHOULD APPLY TO THIS TREATY. I
RECOMMEND WE DO THIS PROMPTLY. WE SHOULD NOT
DELUDE OURSELVES INTO BELIEVING THAT FAILURE TO RATIFY WILL
CAUSE NO PARTICULAR PROBLEM HERE; THE CAYSNUHEM-
SELVES MAY NOT BE A BURNING NATIONAL ISSUE, BUT
THE FAILURE TO ACT ON A DULY SIGNED TREATY DULY
RATIFIED BY COLOMBIA WILL AROUSE CONSIDERABLE
CRITICISM AND ILL-FEELING, AND THAT IS THE
POINT THAT WILL BECOME A SERIOUS ISSUE.

5. I BELIEVE WE SHOULD REPLY TO THE NOTE

PROMPTLY. I WOULD LIKE TO BE ABLE TO INFORM
THE MINISTER THAT THE EXECUTIVE BRANCH AGREES
THAT NO DISPUTE NOW EXISTS, THAT WE HAVE SO
INFORMED THE CONGRESS, AND THAT WE ARE CONTINUING
TO SEEK SENATE RATIFICATION. I WOULD APPRECIATE
THE DEPARTMENTS GUIDANCE AND SUGGESTIONS AS TO AN
APPROPRIATE REPLY.

6. E TAKE IT THAT SR 74 WAS APPROVED BY THE FULL
SENATE ON MAY 20, SO THAT NO FURTHER ACTION TO
HAVE IT AMENDED (AS HAD BEEN PROPOSED IN MED-MAY)
IS NOW POSSIBLE. IS THERE A CORRESPONDING HOUSE
RESOLUTION PENDING IN THAT CHAMBER? IF SO, WHAT
IS ITS STATUS?.

VAKY

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Message Attributes

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